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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: EC DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Summer LaShawnda MULLEN

Defendant.

'08 MJ 1105

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 9, 2008**, within the Southern District of California, defendant **Summer LaShawnda MULLEN**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Enimia ANGULO-Perez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **11th** day of **April, 2008**.

UNITED STATES MAGISTRATE JUDGE

JPME

PROBABLE CAUSE STATEMENT

The complainant states that **Enimia ANGULO-Perez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that his testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 9, 2008, at about 2219 hours, **Summer LaShawnda MULLEN (Defendant)** was waiting to make application for admission into the United States at the Otay Mesa, California Port of Entry as the driver of a green 1995 Jeep Grand Cherokee, with no license plates. While conducting pre-primary roving operations a Customs and Border Protection (CBP) Officer inspected a Jeep Grand Cherokee with his service canine. The canine showed interest to the driver's side door seam. Another CBP Officer approached Defendant and initiated an examination. The CBP Officer obtained a negative customs declaration from Defendant who stated her reason for traveling to Tijuana was to visit her boyfriend and that she was now on her way home. Defendant provided a State of California identification card, claimed ownership of the vehicle and produced a counterfeit Department of Motor Vehicle registration upon request. A separate CBP Officer made observations of what appeared to be a human being trapped underneath the rear seat. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, a cursory inspection of the vehicle led to the discovery of one female concealed in a non-factory compartment under the rear seat from which she was unable to extricate herself. The female attempted to push the seat upward and was unable to. A CBP Officer utilized tools to cut metal wires positioned on each side of the seat that were used in order to connect and secure the rear seat to the backrest area. The rear side area of the seat had been trimmed, creating a hollow space. The hollow space was layered with a metal sheet. The rear seat support was also visibly modified by creating a void space, layered with a metal sheet. CBP Officers assisted in extricating the female by forcefully pulling on the seat. The female was determined to be a citizen of Mexico without legal documentation to enter the United States. The undocumented alien was retained as a material witness and is now identified as **Enimia ANGULO-Perez (Material Witness).**

During a videotaped proceeding, Defendant was advised of her Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted she was approached by a female who offered her a deal to secure financial gain. Defendant admitted she accepted the offer that involved having to drive and deliver a vehicle that contained contraband to a location in San Ysidro, California. Defendant admitted she was to receive a payment of $500.00 USD for her deeds upon the delivery of the vehicle to the agreed location.

On a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal documentation or legal entailments to enter into United States. Material Witness stated she made arrangements and agreed to pay a fee of $3,000.00 USD to be smuggled into the United States. Material Witness admitted she was unable to extricate herself out of the compartment. Material Witness admitted she was going to Los Angeles, California to seek residency and employment.